

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

Case No.	CV 23-4486 PA (SKx)	Date	July 17, 2023
Title	Rodrigo Vargas Gonzalez v. Roto-Rooter Services Company		

Present: The Honorable <u>PERCY ANDERSON, UNITED STATES DISTRICT JUDGE</u>		
Kamilla Sali-Suleyman	Not Reported	N/A
Deputy Clerk	Court Reporter	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
None		None

**Proceedings:** IN CHAMBERS - COURT ORDER

The Court has reviewed the declarations of counsel for plaintiff Rodrigo Vargas Gonzalez (“Gonzalez” or “Plaintiff”) and defendant Roto-Rooter Services Company (“Roto-Rooter” or “Defendant”) filed in response to the Court’s June 30, 2023 Order to Show Cause. In that Order to Show Cause, the Court noted that neither party had filed a Notice of Related Cases as required by Local Rule 83-1.3 and that the Civil Cover Sheet filed by defendant Roto-Rooter when it filed its second Notice of Removal in Case No. CV 23-4486 answered “No” to the questions asking if there is a related or identical case despite Defendant having previously filed a Notice of Removal of the same action in Case No. CV 23-1618 PA (DFMx). The Court therefore ordered the parties and counsel why they should not be sanctioned up to \$2,000.00 for failing to file a Notice of Related Case as required by Local Rule 83-1.3. Defendant and its counsel were additionally ordered to show cause why they should not be sanctioned for failing to identify this action as identical or related to Case No. CV 23-1618 PA (DFMx) on the Civil Cover Sheet filed in Case No. CV 23-4486.

Rather than respond to the Order to Show Cause issued by the Court, which directed the parties to explain why they had not identified this case, the second Notice of Removal filed by Roto-Rooter of the action filed by Gonzalez, with the first case filed by Gonzalez that was removed to this Court by Roto-Rooter and assigned Case No. CV 23-1618 PA (DFMx), counsel for Roto-Rooter’s response to the Order to Show Cause instead attempts to explain why the action filed by Gonzalez is not related to Aguilar v. Roto-Rooter Services Co., Case No. CV 23-4537. This was not the question posed by the Court’s June 30, 2023 Order to Show Cause. Instead, the Court directed Roto-Rooter to explain why it did not identify the second removal of the action filed by Gonzalez as related or identical to the first Notice of Removal Roto-Rooter filed of the action filed by Gonzalez, Case No. CV 23-1618. To date, counsel for Roto-Rooter has not explained why Roto-Rooter answered “No” to the existence of an identical or related case when it filed the second Notice of Removal in Gonzalez, Case No. CV 23-4486. That is, Case Nos. 23-4486 and 23-1618 appear to be identical, involving the same plaintiff, defendant, and state court case number. That fact should have been identified in the Civil Cover Sheet.

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Instead, counsel for Defendant incorrectly said that there was “No” related or identical case when it filed the second Notice of Removal.

For the second time, the Court orders Roto-Rooter and its counsel to show cause in writing why Defendant and its counsel failed to identify the first removal of Gonzalez’ action, Case No. CV 23-1618, as related or identical when it removed for the second time Gonzalez’ action that became Case No. CV 23-4486 and why Defendant and its counsel should not be sanctioned up to \$2,000.00 for failing to file a Notice of Related Case as required by Local Rule 83-1.3 and incorrectly stating that there was no related or identical case on the Civil Cover Sheet filed in Case No. CV 23-4486. Defendant and its counsel’s response to this Order to Show Cause shall be filed no later than July 24, 2023.

IT IS SO ORDERED.